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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/175,156	10/19/1998	KEITH LYNN PUTNAM	98.P.7912.US	6575

7590 05/09/2008
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/175,156

Applicant(s)

PUTNAM ET AL.

Examiner

Joseph T. Phan

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 16 line 3 recites “ringing signaling an incoming telephone call” which is unclear and needs grammatical correction.

Line 5 recites “...ringing signaling, based on the incoming phone call itself” which lacks antecedent basis and the term ‘itself’ is unclear and confusing. Furthermore, the multiple commas in lines 4-5 makes the claim confusing as to which limitation the phrase “based on the incoming phone call” is referring to.

Line 11 recites “answering the incoming call” which lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-27 rejected under 35 U.S.C. 102(e) as being anticipated by Burg, Patent #6,219,413.

Regarding claims 1 and 5-6, Burg teaches a system for responding to an incoming phone call from a calling party, comprising:

means for receiving the incoming phone call(100 Fig.1-2); means for generating a user alert in response to the incoming phone call, said generating means including a ring signal detection means(100 Fig.1-2; col.5 lines 19-39); means at a called party's telephone for enabling selective entry of a user message in response to the alert while the incoming call is pending and still ringing to the calling party(160 Fig.1; old ringing telephone and Fig.3); and

means for playing the user message to the calling party(Fig.3B), said playing means including means for transmitting said user message from the called party telephone to the calling party telephone via the telephone network(Fig.3B and col.7 lines 1-15); and timing means responsive to the ring signal detection means for timing a predetermined period during which a called party can select to generate the user message(Fig.1, col.6 line 43-col.7 line 15, or col.8 lines 1-8);

wherein the selective entry means includes means for selecting between recording one or more parameters insertable in a customized pre-recorded message(col.6 lines 39-67) and recording a message without parameters while the incoming call is pending(col.6 line 39-67),

wherein the receiving means includes a voice recognition unit for recognizing at least one spoken command(Fig.2 and col.6 line 51-67);

wherein the at least one spoken command includes a predetermined instruction and a variable parameter[*col.6 lines 51-67; instruction is to notify caller that called party will be available in 5 hours or variably the next day or understood to be any spoken command as this is merely 'a*

sample message' (col.6 lines 49-53)].

Regarding claim 2, Burg teaches the system of claim 1, further comprising means for releasing the call after playing the message(Fig.4, col.6 line 57-col.7 line 15).

Regarding claim 3, Burg teaches the system of claim 1, further comprising means for displaying caller identification information to the user(col.3 lines 4-20).

Regarding claim 4, Burg teaches the system of claim 1, wherein the receiving means includes means for activating a user command interface for predetermining period of time following commencement of the user alert(col.3 lines 4-20).

Regarding claim 7, Burg teaches the system of claim 1, wherein the receiving means includes means for manually selecting the user message(col.6 lines 30-45 and col.7 line 60-col.8 line 8)

Regarding claim 8, Burg teaches the system of claim 1, wherein the means for receiving includes means for recording an audio user message(fig.4, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 9, Burg teaches the system of claim 1, wherein the means for receiving includes means for storing the user message(fig.4, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 10, Burg teaches A telephony device for playing a customized message to a caller, comprising:
a ring detector generating a detection signal in response to an incoming telephone call,
a ringer alerting a called party to the incoming call in response to the detection signal(100 Fig.1-Fig.2 and col.5 lines 19-35; ringer is interpreted as the pop-up window ring or

any other ring-visual or audio from the notification alert); a command interface for receiving one or more message parameters from the called party(Fig.2); and
a controller for activating the command interface in response to the detection signal and for transferring the customized message to the caller, wherein the controller is an element of the telephone, the customized message being transferred from the telephony device via the telephone network wherein the controller is configured to selectively either record the customized message while the incoming call is pending or receive one or more parameters in a pre-recorded message while the incoming call pending(Fig.2-4, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15);
wherein the telephony device can respond to the incoming telephone call by answering the call, transferring the customized message and releasing the call or can accept the call by going off hook(fig.4, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 11, Burg teaches the telephony device of claim 10, further comprising:
a voice recognition unit for receiving spoken commands that include the message parameters(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 12, Burg teaches the telephony device of claim 10, further comprising:
an audio interface for receiving a spoken message from the called party(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 13, Burg teaches the telephony device of claim 12, further comprising: a memory for storing the spoken message(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 14, Burg teaches the telephony device of claim 10, further comprising: a

key pad permitting the called party to manually enter the message parameters(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 15, Burg teaches the telephony device of claim 10, further comprising: a caller identification unit for displaying caller information to the called party(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 16, Burg teaches A method for presenting an audio message to a telephone caller, comprising:
detecting, at a recipient telephone, ringing signaling an incoming telephone call(100-110 of Fig.1 is recipient telephone and col.3 lines 4-6; inherently there is a ringing 'signaling');
generating, from the recipient telephone, a user alert in response to the incoming telephone call ringing signaling, based on the incoming phone call itself(Fig.2, Fig.4, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15);
receiving a command from a called party in response to the user alert(fig.4); generating from the recipient telephone, an audio message based on the command while the incoming call is pending, wherein the generating includes providing an option of recording an outgoing message or recording one or more parameters insertable into a pre-recorded message answering the incoming call; and playing the audio message to the telephone caller over the telephone network(Fig.1, col.3 lines 4-20, col.6 line 51-col.7 line 15).

Regarding claim 17, Burg teaches the method of claim 16, further comprising: activating a voice recognition unit to receive the command(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 18, Burg teaches the method of claim 16, further comprising:

recording a spoken message from the called party and including the spoken message in the audio message(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 19, Burg teaches the method of claim 16, further comprising: manually entering the command using a keypad(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 20, Burg teaches the system of claim 1, wherein the system is incorporated within a telephone(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 21, Burg teaches the telephony device of claim 10, wherein the command interface receives the one or more message parameters from the called party while the incoming call is not yet connected(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 22, Burg teaches the telephony device of claim 10, wherein the ring detector is configured to detect the incoming phone call based on the incoming phone call itself(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 23, Burg teaches the telephony device of claim 22, wherein the ring detector is configured to detect a ring signal of the incoming telephone call(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 24, Burg teaches the method of claim 16, wherein the detecting step detects the incoming telephone call by detecting a ring signal of the incoming telephone call(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 25, Burg teaches the system of claim 1, wherein said means for playing

the user message to the calling party is configured to cause playing the user message to the calling party in some instances in which the user refuses to answer the incoming phone call(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 26, Burg teaches the system of claim 1, wherein the means for generating a user alert in response to the incoming phone call comprises means for detecting the incoming phone call based on the incoming phone call itself(Fig.1, col.3 lines 4-20, col.6 lines 30-45 and line 57-col.7 line 15).

Regarding claim 27, Burg teaches the system of claim 26, wherein the means for detecting the incoming phone call comprises means for detecting a ring signal of the incoming telephone call(Fig.1,col.3 lines 4-20,col.6 lines 30-45, 57-col.7 line 15).

Response to Arguments

6. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is also reminded of the additional fees regarding the new independent claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Joseph T Phan/
Examiner, Art Unit 2614